

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,        ) Application No. C-2920/PI-72  
on its own motion, seeking to        )  
investigate interconnection        )  
options and procedures between        ) ORDER OPENING DOCKET  
Incumbent Local Exchange Carriers    )  
(ILECs) and Commercial Mobile        )  
Radio Service (CMRS) carriers.        ) Entered: April 22, 2003

BY THE COMMISSION:

O P I N I O N     A N D     F I N D I N G S

On April 11, 2003, the Nebraska Independent Telephone Association (NITA) filed an Amended Motion for Clarification in Commission Docket No. C-2738/PI-58 on behalf of the Rural Incumbent Local Exchange Carriers (Rural ILECs) seeking clarification from the Commission on the future options for establishing compensation arrangements available to Rural ILECs that choose not to initiate negotiations within the timeframe recommended by the Commission.

Upon review of the questions posed by the Rural ILECs in their motion, the Commission is of the opinion and finds that such issues should be addressed in a separate investigatory docket. Therefore, the Commission hereby opens Docket No. C-2920/PI-72 to address the Rural ILECs' motion and to investigate the interconnection options and procedures available to ILECs and CMRS carriers.

In an effort to address the issues raised, the Commission hereby requests public comment on the following issues:

- 1) Can an ILEC opt into an established rate for interconnection with a CMRS carrier under the provisions of 252(i) of the 1996 Telecommunications Act (Act), or any other provision of the Act or Commission rules?
- 2) If an ILEC receives a bona fide request (BFR), and the ILEC wants to defer negotiation at that time, does the CMRS carrier have any obligation to negotiate with the ILEC at a later date?
- 3) If an ILEC determines their traffic to currently be diminimus and later wishes to negotiate with the CMRS carrier, does the ILEC have any authority to begin negotiations?

- 4) If a company agrees to bill and keep on the basis of diminimus traffic, what options does the company have in the future to negotiate a rate? Would there need to be change in the traffic volumes? Does the CMRS carrier have to come to the negotiating table if negotiation is requested by the ILEC?
- 5) Should the costs associated with the creation of cost studies, and/or the negotiation and arbitration processes, be included in a development of rates?
- 6) Please comment on any additional issues that may be of importance to the Commission's investigation of this matter.

Interested parties shall file such comments with the Commission on or before May 23, 2003. Please provide five paper copies and one copy in electronic format.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Docket No. C-2920/PI-72 is hereby opened.

IT IS FURTHER ORDERED that interested parties shall file comments with the Commission on or before May 23, 2003.

MADE AND ENTERED at Lincoln, Nebraska, this 22nd day of April, 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Deputy Director